

Remarks

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the pending Final Office Action, the Examiner rejected claims 1-2, under 35 U.S.C. §102(b), as allegedly being anticipated by Nakazawa '746; and rejected claims 3-6, under 35 U.S.C. § 103(a), as allegedly being unpatentable over Nakazawa '746 in view of Ying '956.

Applicant gratefully thanks the Examiner for the courtesies extended during the Interview of January 20, 2010.

By this Amendment, 1, 3-6 have been amended for form and clarity while claim 2 has been cancelled. No new matter has been introduced. As such, claims 1 and 3-6, are currently presented for examination of which claims 1 and 3 are independent.

Applicant submits that by virtue of the cancellation of claim 2, the rejections thereto have been rendered moot. Accordingly, the immediate withdrawal of the §102(b) rejection of claim 2 is respectfully requested.

Applicant traverses the remaining §102(b) and §103(a) rejections for the following reasons:

I. Rejections Under §102(b) & §103(a).

As noted above, independent claim 1 positively recites, *inter alia*, an ***operation state switching unit which is disposed at the electrical apparatus side for switching an operation state of the electrical apparatus independent of operation in the operation unit, wherein the electrical apparatus is arranged so that an operation state thereof is changeable into a power-off stage and a plurality of power-on stages and the operation state switching unit is rendered operable via the communication control unit when a remotely-operated terminal executes an over-the-horizon communication with the communication control unit.***

The claim features noted above are amply supported by the embodiments disclosed throughout the written description. By way of illustration, the disclosed embodiments provide a configuration in which ***more than a single power-on stage*** is provided and controlled. For example, control section **11A** delivers a control signal so that the operational state of lighting apparatus **29** changes from "OFF" to "F_ON" (high light level), "H_ON" (low lighting level), "MINIATURE BULB ON", and "MINIATURE BULB OFF". (See, e.g., Specification: page 14, line 2 – page 16, line 24; FIGs. 10, 11).

Applicant submits that none of the asserted references, whether taken alone or in combination, suggest each and every element of claim 1 including, for example, the features noted above. In particular, the Examiner alleged that Nakazawa '746 discloses that the operation state of the electrical apparatus during power activation is changeable into a plurality of stages. (See, Final Office Action: pages 2-3). Applicant respectfully disagrees.

Nakazawa '746 discloses the use of a user-controlled, hand-held, LCD based host unit **100** that works in tandem with a terminal unit **200** that is plugged into a power receptacle. (See, Nakazawa '746: column 8, lines 55-67; col. 10, lines 1-65; FIGs. 1-5). Nakazawa '746 specifically teaches a configuration in which vibration sensor **60** transmits a vibration detection report to a host unit **100**, after detecting a vibration of a predetermined strength or higher. The host unit **100** then turns on a light to prevent confusion at the time of refuge. (See, Nakazawa '746: column 18, lines 53 to 64). In short, Nakazawa '746 merely discloses the use of a single power-off state and a ***single power-on state***.

This is in contrast to the claimed configuration, as the teachings of Nakazawa '746 do nothing to suggest the changeability of the operation state of an electrical apparatus during power activation. Nor does it suggest the capability of providing more than a single power-on state. As such, Nakazawa '746 fails to suggest that ***the electrical apparatus is arranged so that an operation state thereof is changeable into a power-off stage and a plurality of power-on stages and the operation state switching unit is rendered operable via the communication control unit when a remotely-operated terminal executes an over-the-horizon communication with the communication control unit***, as required by claim 1.

Applicant further submits that the remaining reference, Ying '956, is incapable of curing the deficiencies of Nakazawa '746 noted above.

Regarding independent claim 3, the claim positively recites, *inter alia*, that the detecting units are disposed on a plurality of electrical apparatuses for detecting a state of consumed power for each of the electrical apparatuses and the communication control unit controls the state of consumed power for each of the electrical apparatuses, and when a sum total of the state of consumed power informed by the detecting units exceeds an upper limit value, the communication control unit controls so that the consumed power is reduced from the electrical apparatus with a lower priority sequence or stops the operation of the electrical apparatus so that the sum total is limited within an upper limit power; and ***the communication control unit sets the priority sequence of the electrical apparatus whose operation state has been changed latest to lowest and so that the priority sequence becomes higher as the time of change of the operation state goes back farther.***

The Examiner acknowledged that Nakazawa '746 fails to disclose a priority sequence but relied on Ying '956 as allegedly disclosing such a feature. (See, Final Office Action: page 9). Applicant, once again, respectfully disagrees.

First, as noted above, Nakazawa '746 is directed to a user-controlled (i.e., hand-held, LCD based host unit **100**) that controls the distribution of power. In contrast, Ying '956 is specifically directed to a system that is controlled by the power company or utility **102**. Artisans of ordinary skill will readily appreciate that the fundamental teachings of both references are too disparate to make it technically feasible to achieve the configuration of the claimed combination of elements. As such, the combination of Nakazawa '746 and Ying '956 are improper and can only be justified by impermissible hindsight.

Second, Applicant points out that Ying '956 discloses that power utility **102** may be able to control dynamically the total consumer power demand, and thus reduce peak customer power consumption when necessary to avert a power crisis. To this end, Ying '956 specifically teaches that power control circuit **112** receives power control commands from central station **102** to selectively block power – power control circuit **112** does **not** control

power control or set priority sequence – it simply interprets the power control commands from central station **102**. (See, Ying '956: column 7, lines 10-29).

Moreover, although Ying '956 indicates that an initial priority scheme and an initial timing function may be programmed by the user (see, Ying '956: column 10, lines 46-50), there is simply nothing in Ying '956 that remotely contemplates that the **communication control unit** itself sets the priority sequence of the electrical apparatus whose operation state has been *changed latest to lowest and so that the priority sequence becomes higher as the time of change of the operation state goes back farther*, as required by claim 3.

Thus, for at least these reasons, Applicants submit that independent claims 1 and 3 are neither anticipated nor rendered obvious by asserted references. As such, claims 1 and 3 are clearly patentable. And, because claims 4-6 depend from any of claims 1 and 3, respectively, claims 4-6 are patentable at least by virtue of dependency as well as for their additional recitations.

Accordingly, the immediate withdrawal of the §102(b) and §103(a) rejections is respectfully requested.

Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

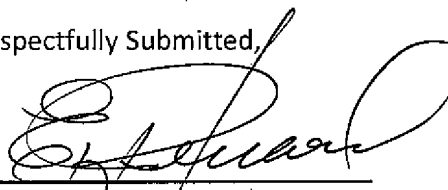
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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Respectfully Submitted,

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